



## J. Hoke (Trey) Peacock III

Partner

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### *Overview*

For over twenty-five years, Trey Peacock has won cases based on science and data, successfully representing companies and individuals in complex business disputes. He has been lead or principal trial counsel for plaintiffs and defendants in state and federal courts in twenty states, including California, Colorado, Connecticut, Delaware, Florida, Illinois, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Jersey, New York, Oregon, Pennsylvania, South Dakota, Texas, and Washington.

Clients seek out Trey for his unique comfort level with highly technical, data-driven matters, including damages. His successes span technical areas as varied as offshore rig construction (in an international arbitration); convoluted title histories for thousands of oil and gas leases (in an energy lawsuit in state court); the underpinnings of random number generation (in a series of patent cases); the sciences of toxicology, epidemiology, and environmental exposure (in state and federal toxic tort matters); and the use of environmental air modeling (in a variety of cases, including a plaintiffs' class action for environmental property damage). Whether a favorable result depends upon the proper calculation of damages or the application of advanced scientific theories, Trey is a quick study and an effective advocate.

Trey has been recognized repeatedly as a Litigation Star by Benchmark Litigation and a Leading Plaintiff Financial Lawyer by *Lawdragon*. In 2022, Trey was recognized on *Lawdragon's* inaugural list of "500 Leading Litigators in America." In 2020 he was named a Winning Litigator by the *National Law Journal* and a Texas Trailblazer by *Texas Lawyer* (ALM). A native of Beaumont, Texas, he graduated with Honors from Princeton University and from University of Texas School of Law, where he was Managing Editor of the Texas Law Review, Order of the Coif, and a Chancellor. After law school,

Trey clerked for the Honorable Joseph T. Sneed on the Ninth Circuit Court of Appeals in San Francisco, California.

Trey has served on the Alley Theatre's Board of Directors for over a decade. For ten years, he was also Team Captain for the Firm's BP MS150 cycling team; under his leadership, the team raised more than \$1 Million to fight multiple sclerosis. In his spare time, Trey is an avid fly fisherman and snow boarder and participates in triathlons.

## *Notable Representations*

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### Representative Cases

- Obtained a \$50 million final judgment on behalf of The University of Texas against IDEXX, a Maine based publicly traded veterinary products company, for breach of an exclusive patent license agreement involving testing for Lyme disease. After several years of litigation, we prevailed on two motions for summary judgment and obtained a final judgment from the state district court without a trial. IDEXX has now appealed the judgment to the 14<sup>th</sup> Court of Appeals
- Secured a nearly \$40 million judgment for Repeat Precision LLC, the defendant, in an intellectual property case brought by Diamondback Industries, Inc. in federal court in Waco, Texas with colleagues Shawn Raymond and Krisina Zuniga and co-counsel. Peacock presented and cross examined each expert witness during the three-day bench trial, after which U.S. District Court Judge Alan Albright dismissed with prejudice all of Diamondback's causes of action. Repeat Precision was awarded \$39,946,902 in actual, enhanced, and punitive damages (not including attorney's fees and costs) for its counterclaims. *Texas Lawyer* and Law.com covered the trial win in an article titled "Get to Know the Story Behind Houston Lawyer's \$40 Million Defense Verdict." (subscription required). Repeat Precision settled this case in late 2020 for more than \$25M in cash payments and also received other business considerations.
- Obtained two settlement awards totaling more than \$16 million for six Walmart stores on the Gulf Coast in the Deepwater Horizon Settlement program. BP opposed our efforts at every stage. The Fifth Circuit recently affirmed both of Walmart's awards here and here. The client commented: "*The choice of Trey Peacock to staff this matter was inspired. He did an outstanding job.*"
- As lead counsel for the Mostyn Law Firm, Peacock successfully defeated a breach of contract claim for up to \$40 million, brought by a lawyer seeking bonus and compensation in connection with the transvaginal mesh multidistrict litigation. Peacock and Florence Chen prevailed on summary judgment as to Plaintiff's principal claims, obtained a final

arbitral award dismissing all of Plaintiff's claims, and Plaintiff recovered . . . *nothing*.

- It's one thing for a plaintiff to wave the white flag on the courthouse steps; it's quite another thing for it to happen in the courtroom itself with a jury panel waiting in the hallway. That's precisely what Peacock and Shawn Raymond achieved for their client Oaktree Capital Management, one of the premier private equity firms in the United States. The investment banker plaintiff had sought \$7+ million in damages for alleged fraud and breach of fiduciary duty. As potential jurors were about to enter the courtroom, Peacock and Raymond won a dismissal with prejudice of all claims against Oaktree.
- Jim Ford, a Managing Director at Oaktree, called the result a "great outcome" and noted, "We were confident that the jury would find in our favor, but thanks to Trey's and Shawn's hard work and legal skills, we never had to find out. We were completely vindicated and able to avoid the cost and uncertainty inherent in any jury trial. We couldn't be happier with their representation." Immediately after the plaintiff dismissed all claims against Oaktree, the remaining defendant hired Trey and Shawn to help its current lawyers try the case.
- As lead trial counsel for Quantum World Corporation, Peacock successfully litigated and settled a series of patent infringement cases against computer and chip manufacturers in which Quantum World alleged infringement of its patents for true random number generators. These cases were prosecuted in both the Eastern and Western Districts of Texas and resulted in several, very favorable confidential settlements for Peacock's client.
- As lead counsel in an international arbitration, Peacock successfully defended ABB Lummus Global, Inc. and its joint venture partner in a multi-million dollar dispute related to their construction of a \$700 million offshore oil and gas platform. The case was arbitrated before a three-member panel pursuant to UNCITRAL rules. Peacock fully prevailed, achieving rejection of all the Plaintiff's claims and obtaining a full award of attorneys' fees and costs for his client.
- Peacock successfully represented the largest individual shareholder in the historic King Ranch in a dispute over the value of his interest in the Ranch and its business operations.
- Peacock served as lead class counsel for a group of African-American former employees at Western Auto who brought suit for discrimination under Title VII. After prevailing on the appeal of class certification to the 11th Circuit, Peacock achieved a substantial settlement for his clients.
- Peacock represented KBR in its defense, trial, and appeal of a series of lawsuits brought by former national guardsmen regarding their alleged exposure to sodium dichromate during their service in the Iraq War. Peacock led the scientific side of the case, ultimately winning dismissal in federal district court largely based on scientific evidence he elicited during

depositions of Plaintiffs' expert. The Court relied upon that evidence to conclude that Plaintiffs' claims lacked the required level of scientific causation.

## *Honors & Distinctions*

- *Lawdragon* 500 Leading Litigator ([2022](#), [2023](#))
- Named a Litigation Star by Benchmark Litigation ([2022](#), [2023](#) Euromoney)
- Named a *Texas Trailblazer* by *Texas Lawyer* (2020, ALM)
- Named a *Winning Litigator* by *National Law Journal* (2020, ALM)
- Top 100 Lawyer in Houston, Super Lawyers ([2022](#), Thomson Reuters)
- Texas Super Lawyer (2009-Present, Thomson Reuters)
- *Lawdragon* 500 Leading Plaintiff Financial Lawyers [2019](#), [2020](#), [2021](#), [2022](#), [2023](#)
- Ranked in The Best Lawyers in America for Commercial Litigation in Houston (Woodward White Inc., 2014 – 2024)

## *Clerkships*

Honorable Joseph T. Sneed, United States Court of Appeals for the Ninth Circuit, 1990-1991

## *Education*

**The University of Texas School of Law** (J.D., with Honors)

- Order of the Coif, Managing Editor of Texas Law Review, Chancellors

**Princeton University** (B.A., American History, with Honors)

## *Wins*

Susman Godfrey Secures Final Judgment of Nearly \$40M for Repeat Precision in Diamondback Industries Lawsuit Victory

In Massive Victory for Whistleblower David Kester, USA and States, Novartis Pays \$390 Million to End Kickback Case

## *Leadership & Professional Memberships*

- Director and Treasurer, Sunflower County Freedom Project
- Alley Theatre: Board of Directors (2005-2017), Executive Committee, Special Events Committee, previous Chair of the Alley Theatre Ball
- Houston Bar Association Antitrust Section: Former Section Chair
- MS150 Susman Godfrey Team Captain (2008-2015) raising over \$1 Million to Fight Multiple Sclerosis
- MS150 Bike Rider (2006-present)

